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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

IN RE ALLERGAN, INC. PROXY
VIOLATION DERIVATIVES
LITIGATION

Case No. 2:17-cv-04776 DOC (KESx)
The Hon. David O. Carter
CLASS ACTION

**ORDER APPROVING PLAN OF
ALLOCATION**

1 Timber Hill, LLC (“Timber Hill”) has moved for an order approving the
2 proposed Plan of Allocation as described in the Notice to the Class. The deadline for
3 objection to its proposed plan of allocation set by the Court was May 9, 2018. No
4 objections to the Plan of Allocation have been made by any party or Class member.
5 Upon due consideration of Timber Hill’s motion, all of the papers, pleadings and files
6 in this action, and all of the submissions and arguments presented at the Settlement
7 Hearing, and good cause appearing therefor, the Court hereby GRANTS the motion.

8 NOW, THEREFOR, IT IS HEREBY ORDERED, ADJUDGED AND
9 DECREED AS FOLLOWS:

- 10 1. This Order incorporates by reference the definitions in the Stipulation and
11 Agreement of Settlement (Doc. No. 99), filed on January 26, 2018, and the
12 definitions in the Notice of Proposed Settlement and Motion for Attorneys’
13 Fees and Expenses (the “Notice”) disseminated to the Class.
- 14 2. This Court finds that the terms and conditions of the Plan of Allocation,
15 including, without limitation, the method for determining an Authorized
16 Claimant’s Recognized Loss and the method for calculating *pro rata*
17 distributions, all of which are set forth in the Notice provided to the Class,
18 are a fair, reasonable, and adequate basis upon which to allocate the Net
19 Settlement Fund among Authorized Claimants.
- 20 3. The sum of an Authorized Claimant’s loss amounts (as set forth in the
21 Notice to the Class) will be the Authorized Claimant’s “Recognized
22 Claim.” The Claims Administrator shall use an Authorized Claimant’s
23 Recognized Claim to calculate the Claimant’s *pro rata* share of the Net
24 Settlement Fund. If the sum total of Recognized Claims of all Claimants
25 who are entitled to receive payment out of the Net Settlement Fund is
26 greater than the Net Settlement Fund, each claimant shall receive his, her
27 or its *pro rata* share of the Net Settlement Fund. The *pro rata* share shall
28 be the authorized Claimant’s Recognized Claim divided by the total of

1 Recognized Claims of all Authorized Claimants, multiplied by the total
2 amount in the Net Settlement Fund.

- 3
- 4 4. Distribution to Authorized Claimants will be made after all claims have
5 been processed and after the Court has approved the Claims
6 Administrator's administrative determinations. If there is any balance
7 remaining in the Net Settlement Fund after six months from the date of
8 initial distribution of the Net Settlement Fund (whether by reason of tax
9 refunds, uncashed checks or otherwise), the Claims Administrator, in
10 consultation with plaintiff's counsel, shall, if feasible and economical,
11 reallocate such balance among Authorized Claimants who have cashed
12 their checks in an equitable and economic fashion. Any balance that still
13 remains in the Net Settlement Fund, after the distribution and additional
14 distribution of the Net Settlement Fund, shall be contributed to non-
15 sectarian, not-for-profit charitable organizations serving the public interest,
16 and reasonably related to the goals of the action, as designated by Timber
17 Hill and approved by the Court, or may, without further order of the Court,
18 be escheated pursuant to appropriate unclaimed property law.
19
5. The Court hereby retains continuing jurisdiction over the Settlement Fund
for purposes of effectuating this Order.

20 IT IS SO ORDERED.

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22 Dated: August 13, 2018

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26 David O. Carter
27 UNITED STATES DISTRICT JUDGE
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